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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,831	09/26/2000	Gordon Wayne Dyer		4367

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10/04/2002

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EXAMINER

HARAN, JOHN T

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 10/04/2002

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/669,831

Applicant(s)

DYER, GORDON WAYNE

Examiner

John T. Haran

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-19, 21, 22, 26, 31, 32, 34, 36, 37 and 40-44 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 17-19, 21-22, 26, 31-32, 36-37, and 40-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/10/02 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 15, 17-19, 21-22, 26, 31-32, 36-37, and 40-44 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims are replete with limitations that are new matter.

In claims 15 and 19, the phrase "applying microwave radiation for a time effective to affix the formed glass and the formed plastic together whereby the shape of the formed glass and the shape of the formed plastic remain substantially unchanged"

Art Unit: 1733

contains new matter that was not described in the specification at the time the application was filed. The specification never explicitly states that the microwave radiation affixes the formed glass and the formed plastic together, however one skilled in the art reading the application as a whole and specifically, page 12, lines 4-7, would appreciate that the purpose of applying microwave radiation is to affix the formed glass and the formed plastic together and that applicant had possession of affixing with microwave radiation. However, the specification does not describe that the shape of the formed glass and the shape of the formed plastic remain substantially unchanged as a result of the microwave radiation application. One skilled in the art, reading the specification, at the time the application was filed, would not have appreciated that applicant had possession of the shape of the formed glass and the shape of the formed plastic remaining substantially unchanged as a result of the microwave radiation application.

Claim 26 is directed to a method of reducing curvature distortions in a plastic however, the specification never discusses reducing curvature distortions in a plastic. This is considered new matter. One skilled in the art, reading the specification, at the time the application was filed, would not have appreciated that applicant had possession of a method of reducing curvature distortions in a plastic.

Also in claim 26, the steps of "applying microwave radiation for a time effective to anneal the formed glass and the formed plastic together whereby the shape of the formed glass and the shape of the formed plastic remain substantially unchanged" and "removing the formed plastic from the glass" contains new matter that was not

Art Unit: 1733

described in the specification at the time the application was filed. There is no mention in the specification of annealing the formed glass and the formed plastic together or of removing the formed plastic from the formed glass. One skilled in the art, reading the specification, at the time the application was filed, would not have appreciated that applicant had possession of annealing the formed glass and the formed plastic together or of removing the formed plastic from the formed glass.

Claim 40 is also new matter because the specification never describes applying a sealant only to the margin of the glass and the margin of the plastic **after** applying the microwave radiation. While the specification describes applying the sealant before placing the plastic and glass together and applying the sealant after placing the plastic and glass together but before applying the microwave radiation, the specification **does not** describe applying sealant **after** applying the microwave radiation. One skilled in the art reading the specification, at the time the application was filed, would not have appreciated that applicant had possession of applying the sealant after applying the microwave radiation.

Claims 41-44 also contain new matter because the specification never describes the sealant as being capable of being cured by exposure to air or of being strengthened by exposure to microwave radiation. One skilled in the art reading the specification, at the time the application was filed, would not have appreciated that applicant had possession of the sealant having these qualities.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Kohan (U.S. Patent 5,851,328).

Kohan discloses a method for making plastic/glass laminates for use as an ophthalmic lens by adhering a wafer lens (plastic) to a base or stock lens (glass) (Column 1, lines 5-8). Both the glass lens and the plastic lens are formed to a particular shape with a center and a margin and the plastic lens is formed so the shape is adapted to the shape of the glass (See Figure 1). Adhesive is placed on the plastic lens, the glass lens is placed on top and the two are bonded under pressure with the use of microwave energy to cure the adhesive and thereby affix the formed plastic and formed glass together (Column 14, lines 19-21). It is noted that claim 15 does not preclude using a microwave curable adhesive to affix the formed plastic and formed glass together.

Allowable Subject Matter

6. Claims 19, 21, 22, and 37 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action.

Art Unit: 1733

7. The following is a statement of reasons for the indication of allowable subject matter:

It is generally known to eliminate the disadvantages and combine the advantages associated respectively with glass and plastic by forming glass-plastic composites for optical and ophthalmic use (Petcen, US 4543146, col. 1, lines 10-30). It is further known to apply adhesive between the glass and plastic and to cure the adhesive while pressing and that several curing methods are known to be suitable for curing the adhesive, including microwave curing (Kohan, US 5851328; col. 14, lines 14-60, col. 13, lines 30-50). However, in combination with the claimed limitations, no teaching or suggestion was found in the prior art of record to **apply sealant only to the margin of the glass and the margin of the plastic whereby the center of the glass and the center of the plastic are devoid of sealant**. In contrast, Kohan suggest placing the adhesive on the center of a substrate. In particular Kohan is directed to forming an even layer of adhesive over the entire interface between the substrates, whereas the claimed method allows a seal to be located in a peripheral, non-optical portion of the composite to minimize interference of the seal with the optical function of the composite. See Abstract of Applicant's specification.

It is also noted that it is generally well known and conventional to have optical fibers with a glass core and a plastic cladding or sheath, as shown for example in Perry (U.S. Patent 4,596,589), however there is no suggestion in the prior art of record to make an optical fiber with the claimed limitations.

Response to Arguments

8. It is noted that it appears Applicant considers the invention to be affixing the formed glass and the formed plastic together solely through the use of microwave radiation and without the use of sealant. However, the specification does not describe this in a manner to convey this to one of ordinary skill in the art. One of ordinary skill in the art reading the specification, at the time the application was filed, would have believed that the invention was a method of making a glass and plastic composite wherein a sealant applied to a margin of a formed glass and a formed plastic affixes the formed glass and formed plastic together as a result of applying microwave radiation. One skilled in the art reading the specification, at the time the application was filed, would not have appreciated that Applicant had possession of affixing the formed glass and the formed plastic together through the application of microwave radiation without the use of sealant.


Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John T. Haran whose telephone number is (703) 305-0052. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.


Art Unit: 1733

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



John T. Haran

September 30, 2002


Michael W. Ball
Supervisory Patent Examiner
Technology Center 1700